

Exhibit F

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

BAYER CROPSCIENCE LP and)
MONSANTO TECHNOLOGY LLC,)

Plaintiffs,)

-vs-)

TEDDY WILLIS,)

Defendant.)

CASE NO. 5:21-cv-00070-H

DEPOSITION OF TEDDY LYNN WILLIS
TAKEN ON BEHALF OF THE PLAINTIFFS
IN OKLAHOMA CITY, OKLAHOMA
ON MARCH 3, 2022

REPORTED BY: TRENA K. BLOYE, CSR

1 months roughly?

2 A Yes.

3 Q When you would go do those inspections would
4 you look at those fields and make a report that says, I
5 have located an Enlist cotton field that could be a
6 potential source of drift damage?

7 A No. I just take back the photos and everything
8 and sent it to the guy in Minnesota, which I can't even
9 remember his name. I mean, it was --

10 Q So you wouldn't -- your job was to look at the
11 field that was damaged. I'm just trying to figure out,
12 did they say, Hey, canvas the area, make a determination
13 of what the neighboring fields were? Was that part of
14 your job?

15 A No, sir.

16 Q They wouldn't have -- Dow would not have you
17 make any determination of potential sources of drift?

18 A I was not supposed to talk about any sources.
19 They just wanted me to go inspect.

20 Q The field was allegedly damaged?

21 A Yes, sir.

22 Q Okay. You say you purchased the West Texas
23 Seed and Delinting in, I think, 2019; is that right?

24 A Yes, sir.

25 Q And why did you decide to buy that facility?

1 Q They were the listing agent for the Grays?

2 A Yes, sir.

3 Q And did you tell them, Hey, keep it for sale,
4 I'll sell it if I can?

5 A Yes, sir.

6 Q What is the list price that you have?

7 A \$1.2 million.

8 Q What year did you start operating as a delinter
9 at that facility?

10 A Twenty. 2020.

11 Q You bought the facility in July 2019 but did
12 not start delinting until 2020?

13 A Yes, sir.

14 Q And what time in 2020? After the first of the
15 year?

16 A No, sir.

17 Q When in 2020?

18 A In April.

19 Q Did you have any experience delinting
20 cottonseed?

21 A No, sir. I've been around it, but not --

22 Q You had been around it, but you had not had any
23 experience yourself?

24 A Correct.

25 Q All right. Did you employ somebody or have

1 Q Are you going to delint in 2022?

2 A Probably not.

3 Q The -- explain to me the delinting process in
4 terms of the timing of the year. Do you delint
5 cottonseed right before the farmers are going to plant
6 it or do you delint it in advance and they store it
7 before planting?

8 A I usually delint right before it starts.

9 Q And the records that you keep, do you keep --
10 do you invoice your customers for delinting?

11 A No, sir.

12 Q It's a cash deal?

13 A No. They write a check.

14 Q They write a check? Okay.

15 Is there any documentation that you create for
16 them, a receipt, an invoice, anything like that?

17 A No, sir. We just go by what the weight of what
18 came in.

19 Q And are you at the scale when somebody comes
20 in?

21 A No, sir. I don't -- the scales don't work.

22 Q So how do you -- how do you know what the
23 tonnage is?

24 A The trucks that came in give me a copy of when
25 they scaled out.

1 Q Okay. And do you keep those records?

2 A Of the truck weights?

3 Q Yes.

4 A No. I just write down and -- how many tons.

5 Q Yeah. I'm trying to figure out how you keep
6 record of this. So a truck comes in and they show you a
7 scale ticket?

8 A Yes, sir.

9 Q And then you do what?

10 A I write down on a piece of paper.

11 Q Do you have a notebook or something that you
12 use?

13 A Oh, I usually write it down on just a blank
14 piece of paper they might pick up.

15 Q So you know how much fuzzy seed has come into
16 the facility for a particular farmer?

17 A Right.

18 Q And what happens next in the process?

19 A On how I delint?

20 Q Yes, sir.

21 A I start bringing it from where it's stored at
22 to the plant. Beforehand the plant is completely
23 cleaned, and then start delinting.

24 Q So you're not at the facility all the time;
25 correct?

1 A That is correct.

2 Q So how do you -- how do you set up a delinting
3 event for a particular customer? They call you and tell
4 you, "I'm bringing seed in," or how does that work?

5 A Yeah, sometimes. Sometimes I -- I'll get a
6 call from somebody going, like, we're bringing seed in.
7 I go -- I don't know who -- because nobody has called
8 me. But 99 percent of the time, you know, the farmer
9 has called to ask me if they can delint.

10 Q And then you set up a time to meet them?

11 A No. They just -- the truck -- they said, "The
12 truck will call you when they're headed your way."

13 Q Do you ever pick up seed for a grower?

14 A I've only picked up a seed for one grower.

15 Q Who is that?

16 A Nathan Bednarz.

17 Q Bednarz? B-e-d-n-a-r-z?

18 A Yes, sir.

19 Q Where did you pick up his seed?

20 A Wilson.

21 Q Is that a gin?

22 A Yes, sir. Texas Star Coop.

23 Q That's where Mr. Bednarz gins his cotton?

24 MR. OUBRE: Objection to form. You can
25 answer.

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1 A I'm assuming. That's where -- that's where I
2 picked up the trailer, so, yes. I don't know if that's
3 the only place, but that's where I -- he asked me to
4 take a trailer out there, because I don't have many
5 trailers and most of them are just junk. And that was
6 the only time that I took it out there that it was 5,000
7 pounds.

8 Q (By Mr. Cox) What year was that?

9 A 2020.

10 Q And you say you took a trailer there. You took
11 a trailer to Texas Star Cotton?

12 A Gin, yeah.

13 Q And where is that?

14 A Wilson.

15 Q Wilson, Texas? And was the seed in bulk when
16 you brought the trailer there?

17 A Yes, sir.

18 Q And how did the trailer get filled?

19 A I'm not -- I guess it -- they filled it at the
20 gin I'm assuming. I just a took the trailer out there
21 and left it.

22 Q Okay.

23 A Then when they had it full they called me,
24 like, a week later.

25 Q Did they -- was the -- did you get any

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1 Q And Mr. Bednarz was a customer of yours in 2020
2 and 2021?

3 A Yes, sir.

4 Q Does he still have seed at your facility?

5 A Yes, sir.

6 Q Is it seed that was previously delinted in
7 2021?

8 A No, sir.

9 Q Bulk seed?

10 A Yes, sir.

11 Q So you delinted for Bednarz in 2020?

12 A Yes.

13 Q You delinted for Bednarz in 2021. And you have
14 bulk seed owned by Mr. Bednarz from what growing season?

15 MR. COX: Objection to form. You can
16 answer.

17 A It was 2021 planting year.

18 Q (By Mr. Cox) Okay. So in 2021 you delinted
19 some of his seed and some of it you still have there in
20 bulk?

21 A No. He brought in new for this year.

22 Q Okay. From 2021?

23 A It's from his crop from 2021.

24 Q Got it. Understood. The seed that you
25 delinted for him in 2020 was from 2019 seed?

1 A Right.

2 Q Is the bulk seed -- so the bulk seed that you
3 have, just so I understand, the bulk seed you have in
4 your facility from Mr. Bednarz is from the -- what
5 growing season is it that you have in bulk?

6 MR. OUBRE: Objection to form. You can
7 answer.

8 A 2021.

9 Q (By Mr. Cox) Okay. I asked you earlier about
10 the documents that you have, or that you use or you
11 create when you get information about scale tickets or
12 information from the growers. Do you keep any of those
13 records?

14 A No, sir. No weight tickets or anything, no,
15 sir.

16 Q And you do not separate out -- do you separate
17 out your banking business from -- by your personal
18 banking and your business?

19 A No, sir.

20 Q So when fuzzy seed comes to your facility
21 it's -- with the exception of the instance you just
22 described for Mr. Bednarz, fuzzy seed is trucked in or
23 trailered in by your grower, customers, and then you
24 begin the process of shoveling that fuzzy seed into your
25 delinter. Is that accurate?

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1 A Yeah. Well, that or a skid steer. If it's in
2 that little-bitty trailer you just have to shovel it.

3 Q Okay. And tell me the process and/or the
4 formula, if you will, that you use to delint fuzzy
5 cottonseed?

6 A Bring it in the facility, put it into the fuzzy
7 pit. The fuzzy pit has augers. It's augered into an
8 elevator. Elevator into, uh -- it's kind of a buffing
9 wheel type. Out of there it goes back to the elevator,
10 then into a charge cart. I fill the charge cart up to
11 1,000 to 1200 pounds. Then the charge cart is rolled
12 into the delinting drum opening, and it's augered into a
13 pressure vessel, delinting drum.

14 And then the doors close and you inject HCL for
15 three minutes and the delinting process starts. And it
16 stays in the drum for ten minutes. And then you open
17 the door, you stick a test cup in there with a long
18 stick, pull it out, check to see, make sure it's
19 delinted or not or if it needs more time and you check
20 the temperature, and close it back up until it gets to,
21 like, 145, and the lint is hydrolyzed. After that --

22 Q Meaning it's dissolved?

23 A Hydrolyzed. It crystalizes it.

24 Q Okay.

25 A It's not off of the seed at that point. After

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1 it is hydrolyzed you open the door, lift up the drum,
2 dump it in a dump pit and it goes into a buffing reel.
3 And the buffing reel is slotted and the seed is just
4 tumbling on itself and knocking all the hydrolyzed lint
5 off of it. It's like dust.

6 From that point, after that it goes into a seed
7 bin to a scalper, shaker to take out any trash and small
8 seed. From there it goes to a gravity table and is
9 separated by weight, density, then it's neutralized with
10 calcium carbonate and goes into a seed bin, then it's
11 put in 2000 pound totes.

12 Q At the point of the process where it goes to
13 the shaker, you said the trash and the small seed is
14 separated out. Is that accurate?

15 A It's more peduncles and sticks and stuff like
16 that coming out of it.

17 Q And how is that done? Is there a screen?

18 A Two sets of screens, slotted and rounds. There
19 is rounds on the top, and the small seed will fall
20 through the rounds to the sifting screens that are
21 slotted.

22 Q Where the trash is taken out?

23 A Yes, sir.

24 Q So the -- the mature seeds that are larger stay
25 above in the first screening?

1 A On the second.

2 Q On the second?

3 A Yes, sir.

4 Q Okay. All right. The smaller -- the smaller
5 seed comes through the --

6 A Slot.

7 Q Okay.

8 A The slotted part.

9 Q Okay.

10 A The top ones are just barely bigger than the
11 big seed. I mean, all the cottonseed.

12 Q And the smaller seed and the sticks or what we
13 call trash, that stuff does not get -- that's the end of
14 the process for them; correct?

15 A Yes, sir.

16 Q And what do you do with them? They go out the
17 back into a --

18 A Burn pile.

19 Q Okay. And they do not get the neutralizing
20 agent; correct?

21 A No, no, sir.

22 Q Okay. So it's once you have the -- the seed
23 that you said was neutralized by the calcium bicarbonate
24 is the good seed from the process; correct?

25 A Correct.

1 Q So the fully mature seed.

2 A (Nods head.)

3 Q And that's -- that calcium bicarbonate has a
4 blue coloring to it, does it?

5 A I add an organic blue color to it where you can
6 tell that it's been -- that the calcium carbonate got on
7 there to make sure the seed is neutralized.

8 Q And at that point when that neutralized
9 delinted seed is complete, you put that in -- you load
10 that into mini bulks?

11 A Yes, sir, totes.

12 Q Totes. White totes?

13 A Yes, sir.

14 Q And we've got pictures of those we can talk
15 about. That seed, then, is ready to go back to the
16 grower for planting; is that correct?

17 A That is correct.

18 Q And the immature seed or with the trash is --
19 is that what you refer to as culls?

20 A Yes, sir.

21 Q Culls, c-u-l-l-s; correct?

22 A Yes, sir.

23 Q So for every -- and is it some -- does that --
24 do those culls get mini bulked as well?

25 A Yes, sir.

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1 Q So for every mini bulk of culls, there is a
2 corresponding set of seed that is mature, it is
3 neutralized, and it is ready to go back to the farmer.

4 A Correct.

5 Q And the farmers will come and pick up that good
6 seed. And do they leave the culls with you or do they
7 take the culls themselves?

8 A Some want to take the culls with them and some
9 of them leave them there.

10 Q And the ones that are left there, what do you
11 do with?

12 A For cattle feed.

13 Q Do you sell them for cattle feed?

14 A Yes, sir.

15 Q And what is the price per mini bulk?

16 A \$45 a ton.

17 Q So 90 bucks a mini bulk?

18 A No. \$45 a ton. May just weigh. 45 to 65 just
19 depending on -- but it's just weighed out.

20 Q The weight is different?

21 A Because it's light --

22 Q Yeah.

23 A -- and it takes a lot of capacity.

24 Q Understood. And you sell those to cattle
25 farmers?

1 A Okay.

2 Q They are, for identification they are labeled
3 IMG_0306 through 0378. And I will hand this to your
4 lawyer for you and your attorney to look at. I only
5 have one set of these.

6 MR. OUBRE: Well, if we could just take a
7 quick break and I will just go make a copy.

8 MR. COX: Okay. Yeah.

9 (A break was had from 11:00 to 11:05
10 a.m.)

11 Q (By Mr. Cox) Okay. So I've handed you what's
12 Exhibit 3. Took a break so we can have a copy made. As
13 I said, these are photos that were taken at the
14 inspection and sampling of your facility. I don't know
15 the date, but you recall that day; correct?

16 A Yes, sir.

17 Q Okay. So the first couple of pages is the --
18 is the -- from farm road 400; correct?

19 A Yes, sir.

20 Q And they show the sale sign we talked about.

21 A Yes, sir.

22 Q And I'm not going to ask you questions about
23 all of these, Mr. Willis. But sort of as we go through
24 them, let's look at 309.

25 Now, one thing that I -- so 309 shows mini

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1 it, and I think that's row 12 from your -- you know, how
2 you had your rows. So I think that's just me noting
3 that. So if anybody is looking at these in the future,
4 that's for our benefit, that's what they are.

5 Q (By Mr. Cox) All right. So you have photo 326
6 in front of you?

7 A Yes, sir.

8 Q You have -- that is -- it's a bag marked Cull
9 No. 6.

10 A Yes, sir.

11 Q The bag is open at the top; correct?

12 A Correct.

13 Q And that's not cull, is it?

14 A Well, I was asked to discard it.

15 Q Why were you asked to discard it?

16 A Because it did not meet quality.

17 Q How many growers asked you to discard?

18 A One.

19 Q And who was that?

20 A Seth Fortenberry.

21 Q He is your largest seed customer?

22 A That year, yes, sir.

23 Q When you say "that year," what do you mean?

24 A 2020.

25 Q And did you have any conversation with

1 Mr. Fortenberry in 2020?

2 A Yes, sir.

3 Q And how did that conversation go?

4 A He said that the seed that's being run right
5 now needs to be discarded because it will not meet
6 quality.

7 Q When in 2020 did he tell you that?

8 A In May sometime. I can't tell you exact date.
9 I'm not going to -- sometime in there.

10 Q Okay. So when he said it did not meet quality,
11 what did that -- what did you understand that to mean?

12 A Well, he's an organic farmer so that meant
13 something was wrong with it.

14 Q Well, he's not solely an organic farmer.

15 A I mean, I don't know if he's solely organic or
16 not.

17 Q How well do you know Mr. Fortenberry?

18 A Not that -- I mean, not that well.

19 Q Well, how long have you known him?

20 A From that point when he started bringing seed?
21 About six months.

22 Q Okay. So prior to -- did you know him in 2019?

23 A No, sir. I mean, I -- I've probably been in
24 the same room with him, but as far as knowing him, no,
25 sir.

1 Q What business does he have?

2 A He has a bean processing plant from what I've
3 been told.

4 Q Did you say a bean processing plant?

5 A Yes, sir, bean and small grains processing
6 plant.

7 Q Does he have ownership in any gin that you're
8 aware?

9 A Not that I'm aware of.

10 Q When these photos were taken, they would have
11 been taken in -- when we did the sampling, that would
12 have been in 2021; correct?

13 A That's correct.

14 Q And he talked to you in May of 2021?

15 A In May of 2020.

16 Q So those seeds had been sitting there marked
17 cull for a year-and-a-half when we got there?

18 A No, sir. I was asked to mark them, my
19 attorney. Because I sent him pictures of everything
20 that was supposed to be disposed of, and he told me to
21 mark them with numbers, so that's what I did.

22 Q So -- and we'll have pictures of actual culls
23 here in a little bit.

24 But as you look at the seed that's in the mini
25 bulk bag on photo 326, that's good-looking, quality seed

1 that's ready to be replanted; correct?

2 A That is correct.

3 Q And you would admit, would you not, that it
4 would not make financial sense for a grower to bring --
5 to haul seed to you, have you delint it, go through the
6 delinting and bagging process, without knowing what seed
7 it was, whether it was organic or not; right? It
8 doesn't make sense that he went through this process to
9 you, does it?

10 MR. COX: Objection to form. You can
11 answer.

12 A I don't know what his business is, you know.
13 But, yeah, it really doesn't make a whole lot of sense.

14 Q (By Mr. Cox) Yeah. It doesn't make sense that
15 somebody would go through that process of hauling,
16 weighing, delivering to your facility, having you delint
17 it, understanding they are going to pay you for that
18 process, and then call you later and say, Hey, wait a
19 minute, that doesn't -- that doesn't -- it's not
20 organic.

21 MR. OUBRE: Objection to form. You can
22 answer.

23 A Is that a question?

24 Q (By Mr. Cox) Yeah. It doesn't make sense, does
25 it, to you?

1 MR. OUBRE: Same objection. You can
2 answer.

3 A Well, probably not. I mean --

4 Q (By Mr. Cox) It wouldn't be --

5 A It would be a waste of time and money.

6 Q Time and money, that's my point. So these bags
7 were marked by you -- or at least the bag here in photo
8 326 were marked as cull in 2021 --

9 A Correct.

10 Q -- before we, Monsanto, came to the facility
11 for the inspection.

12 A It was marked before the private investigator
13 came and sampled, before the first sampling.

14 Q Yes, sir. So when you understand that somebody
15 is coming to your facility to look at seed, had you
16 already been told by Mr. Fortenberry that he didn't want
17 this seed or to mark it as culls?

18 A Yes, sir.

19 Q And had he paid you for that delinting?

20 A No, sir.

21 Q Is the seed still at your facility?

22 A No, sir.

23 Q Where is it?

24 A It was sold to Alan Kiker.

25 Q By whom?

1 seed that were Mr. Fortenberry's that were in the corner
2 of building 1; correct?

3 A Correct.

4 Q You knew that was his seed?

5 A Yes, sir.

6 Q And you knew that he told you that it didn't
7 meet quality?

8 A Yes, sir.

9 Q And the placard that you put in there was prior
10 to Monsanto or Monsanto's investigators coming to your
11 facility?

12 A Correct.

13 Q Have you ever sampled or tested for organic
14 versus non-organic or for certain traits, seed that
15 comes into your facility for delinting?

16 A I've sampled and sent to Mississippi State,
17 yes.

18 Q And what year was that?

19 A Last year.

20 Q 2021?

21 A Yes, sir.

22 Q And that was the only time you did it. You
23 didn't do it in 2020; correct?

24 A Correct.

25 Q Why did you send seed to Mississippi State for

1 Monsanto's investigators came to your facility?

2 A Yes.

3 Q You did that for their benefit, not yours;
4 correct?

5 A Correct.

6 Q And whose seed is this?

7 A Seth Fortenberry.

8 Q And when you say did not meet test, you mean he
9 called you and told you it did not pass as organic?

10 A Did not pass quality.

11 Q Quality. Sorry. Did you do any other type of
12 conditioning or cleaning other than cottonseed at this
13 facility?

14 A Some small grains and corn.

15 Q When you say small grains, what are you
16 referring to?

17 A Like wheat and rye.

18 Q Anything else?

19 A Corn.

20 Q And what do you do with corn?

21 A Deer corn.

22 Q You -- what do you do with it, though? You
23 clean out the trash?

24 A Yeah. It's combine run and then it's taking
25 the stalks out.

1 will.

2 Q (By Mr. Cox) Yeah. And it's known -- I'm
3 assuming you know that if they have non-irrigated ground
4 they are probably more interested in planting cheaper
5 seed on that ground.

6 MR. OUBRE: Objection to form. You can
7 answer.

8 Q (By Mr. Cox) You agree?

9 A I agree.

10 Q And why is that? It might not come up; right?

11 MR. OUBRE: Objection to form.

12 A Yes, sir.

13 (Exhibit 4 was marked for identification
14 and made a part of the record.)

15 Q (By Mr. Cox) Okay. Mr. Willis, I'm handing you
16 what's been marked as Exhibit 4 to your deposition. It
17 is a copy of the Original Complaint For Damages and
18 Injunctive Relief that was filed in this case.

19 Do you have that Exhibit 4 in front of you?

20 A Yes.

21 Q Have you read that?

22 A Yes, sir.

23 Q I want to ask you to turn to paragraph 36 and
24 ask you to read paragraph 36 to yourself, please.

25 A Okay.

1 Q Do you understand -- well, do you believe that
2 paragraph 36 is correct, is true?

3 MR. OUBRE: Objection to form. You can
4 answer if you know.

5 A Yes, sir.

6 Q (By Mr. Cox) Would you look at paragraph 37?
7 Paragraph 37 is a -- it's just a one-sentence paragraph.
8 And since it's only one paragraph I'll read it.

9 "An individual planning to save cottonseed from
10 a prior harvest must direct the cotton gin operator to
11 capture specific seed from his harvest by identifying
12 the modules from which the gin is to capture seed."

13 A Okay.

14 Q Do you agree with that? Is that true?

15 A Yes, sir, to my knowledge.

16 Q Yeah. So your knowledge, from your knowledge
17 you know that if somebody wants to -- to capture a
18 certain set of cottonseed from one or more of his farms
19 he needs to -- he needs to identify, either by farm or
20 by module number for the gin, what seed he wants the gin
21 to catch.

22 A Correct.

23 MR. OUBRE: Interpose an objection. Slow
24 down just a little bit.

25 Q (By Mr. Cox) Would you take a look at

1 paragraph 38 and read it to yourself?

2 A Okay.

3 Q Is there anything in paragraph 38 that you
4 disagree with?

5 MR. OUBRE: Objection to form. You can
6 answer.

7 A No, sir.

8 Q (By Mr. Cox) Other than the sale of culls to
9 Mr. Kiker that you described earlier, have you ever sold
10 cottonseed that was brought to your facility or that was
11 at your facility to anyone else?

12 A Just the original seed that was there and
13 some -- the culls that was just cull seed.

14 Q And the cull seed was sold to Mr. Kiker?

15 A Yes.

16 Q Okay.

17 A And then there was some cull seed that was sold
18 for -- to other farmers for -- that were in a dry area.
19 That's it.

20 Q All right. Well, let's unpack that a little
21 bit. How many different growers did you sell cottonseed
22 to?

23 A Mr. Lusk, Eddie Speer, Michael Rainy, and
24 Mr. Kiker. I mean, that's all I -- that's all I
25 remember.

1 Mr. Speer?

2 A He called me.

3 Q And what did he say?

4 A Asked if I had seed, and I said, Yes, sir.

5 Q What kind of seed was he looking for?

6 A Any type of seed that I had.

7 Q Did you know that he was looking for Roundup
8 Ready seed?

9 A No, sir.

10 Q If he told you that he -- if he -- if he was
11 brought to testify in this case and testified that he
12 told you he was looking for Roundup Ready seed, would
13 that be -- would that be true?

14 A Yes, sir.

15 Q And what type of seed did you sell him?

16 A It was leftover seed from delinting.

17 Q Did you tell him what type or variety it was?

18 A No, sir.

19 Q And whose delinted seed was it?

20 A Mr. Fortenberry's.

21 Q Was that part of the leftover seed that was in
22 your facility when Monsanto investigators inspected it?

23 A No. Can you explain what you're talking about?

24 Q Yeah. You say it was Mr. Fortenberry's seed.

25 A Yes.

1 Q We've been talking about Mr. Fortenberry's seed
2 was at your facility. Is that part of the seed that was
3 there?

4 A Yes, sir.

5 Q That Mr. Fortenberry told you did not pass?

6 A Later on.

7 Q Okay. So did Mr. Fortenberry know that you
8 were taking some of the seed and selling it to
9 Mr. Speer?

10 A No, sir. It was -- no, sir.

11 Q And you sold that seed before Mr. Fortenberry
12 told you that it did not pass his test?

13 A Correct.

14 Q You didn't tell Mr. Fortenberry you sold that.
15 Is that accurate?

16 A That is accurate.

17 Q And did you tell Mr. Speer that he could spray
18 over the top of that seed with glyphosate or Roundup?

19 A No, sir.

20 Q Did you let him know that it was Roundup Ready?

21 A No, sir.

22 Q What did you tell him he was getting?

23 A I told him it was conventional, because that
24 was my understanding.

25 Q Did you know Mr. Speer before he called you?

1 But what I'm just trying to figure out is I asked you
2 questions earlier about Mr. McGehee and what Mr. McGehee
3 said he bought from you.

4 Now I understand what you are telling me now is
5 that you do, in fact, do recall that what Mr. McGehee
6 told me, as I represented to you earlier in the
7 deposition, is true?

8 A That is 100 percent true, yes.

9 Q Okay.

10 A Yes, it is true. And that's why I -- it is
11 true.

12 Q Okay. And where did you get that seed?

13 A It was some of the fuzzy that was from Seth.

14 Q And how do you recall that?

15 A Because that's who I was dealing at that time.

16 Q So your seed to -- seed that you sold to
17 Mr. Lusk, Mr. Speer, and Mr. McGehee was all from the
18 tonnage of fuzzy seed that was from Mr. Fortenberry?

19 A Yes.

20 Q And you sold it to Mr. McGehee for \$100 a unit?

21 A Yes.

22 Q Did you tell Mr. McGehee that it was Roundup
23 Ready?

24 A I don't think so, but I may have. I don't
25 recall what I told Mr. McGehee.